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Attorneys for Defendants
Countrywide Home Loans, Inc. (d/b/a
America's Wholesale Lender), BAC Home
Loans Servicing, LP (f/k/a Countrywide
Home Loans Servicing L.P.), ReconTrust
Co., N.A., Bank of America, N.A., and
Bank of New York Mellon f/k/a The
Bank of New York as Trustee

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PETRA MARTINEZ,
Plaintiff,

v.

AMERICA'S WHOLESALE LENDER, *et al.*,
Defendants.

Case No.: 09-cv-05630-WHA
(Superior Court Case No. M100410)

**DECLARATION OF KALAMA M.
LUI-KWAN IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Date: March 4, 2010
Time: 8:00 a.m.
Courtroom: 9, 19th Floor
Judge: Hon. William H. Alsup

1 I, Kalama M. Lui-Kwan, declare as follows:

2 1. I am an attorney at law duly licensed to practice before this Court and am associated
3 with the law firm of Severson & Werson, A Professional Corporation, counsel for defendants
4 Countrywide Home Loans, Inc. (d/b/a America's Wholesale Lender), BAC Home Loans Servicing,
5 LP (f/k/a Countrywide Home Loans Servicing L.P.), ReconTrust Co., N.A., Bank of America, N.A.,
6 and The Bank of New York Mellon f/k/a The Bank of New York as Trustee ("Defendants"). I am
7 making this declaration in support of the motion for summary judgment filed in this action by
8 Defendants. I am familiar with the facts and circumstances set forth herein.

9 2. On January 28, 2009, I reviewed title documents that appear to have been recorded
10 with the Monterey County Recorder's office ("Recorder's Office") in connection with the property
11 located at 25339 Camino De Chamisal, Salinas, California 93908 ("Property").

12 3. On January 28, 2009, I reviewed a Deed of Trust that appears to have been recorded
13 with the Recorder's Office on January 20, 2006 ("Deed of Trust"). I obtained the Deed of Trust
14 from the DocEdge.com web site, which is <http://www.docedge.com>. A true and correct copy of the
15 Deed of Trust is attached hereto as Exhibit 1.

16 4. On January 28, 2009, I reviewed a Deed of Trust and Assignment of Rents that
17 appears to have been recorded with the Recorder's Office on March 9, 2006 ("Deed of Trust and
18 Assignment of Rents"). I obtained the Deed of Trust and Assignment of Rents from the
19 DocEdge.com web site, which is <http://www.docedge.com>. A true and correct copy of the Deed of
20 Trust and Assignment of Rents is attached hereto as Exhibit 2.

21 5. On January 28, 2009, I reviewed an Interspousal Transfer Deed that appears to have
22 been recorded with the Recorder's Office on March 9, 2006 ("Interspousal Transfer Deed"). I
23 obtained the Interspousal Transfer Deed from the DocEdge.com web site, which is
24 <http://www.docedge.com>. A true and correct copy of the Interspousal Transfer Deed is attached
25 hereto as Exhibit 3.

26 6. On January 28, 2009, I reviewed a Notice of Default and Election to Sell Under Deed
27 of Trust that appears to have been recorded with the Recorder's Office on January 28, 2009 ("Notice
28 of Default"). I obtained the Notice of Default from the DocEdge.com web site, which is

1 http://www.docedge.com. A true and correct copy of the Notice of Default is attached hereto as
2 Exhibit 4.

3 7. On January 28, 2009, I reviewed a Substitution of Trustee that appears to have been
4 recorded with the Recorder's Office on May 4, 2009 ("Substitution of Trustee"). I obtained the
5 Substitution of Trustee from the DocEdge.com web site, which is http://www.docedge.com. A true
6 and correct copy of the Substitution of Trustee is attached hereto as Exhibit 5.

7 8. On January 28, 2009, I reviewed a Notice of Trustee's Sale that appears to have been
8 recorded with the Recorder's Office on May 4, 2009 ("Notice of Trustee's Sale"). I obtained the
9 Notice of Trustee's Sale from the DocEdge.com web site, which is http://www.docedge.com. A true
10 and correct copy of the Notice of Trustee's Sale is attached hereto as Exhibit 6.

11 9. On January 25, 2009, I visited The Wall Street Journal's web site, which is
12 http://www.wsj.com ("WSJ Web Site"). At the WSJ Web Site, I searched for and obtained historical
13 information on the one-year "London interbank offered rate" or "LIBOR Rate" as of May 1, 2008.
14 According to the WSJ Web Site, the one-year LIBOR Rate as of May 1, 2008 was 2.98375%. A true
15 and correct copy of the web page that I viewed at the WSJ Web Site is attached hereto as Exhibit 7.

16 I declare under the penalty of perjury that the foregoing is true and correct. Executed on this
17 28th day of January 2010, at San Francisco, California.

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19 /s/ Kalama M. Lui-Kwan
20 Kalama M. Lui-Kwan
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